

Commercial

THE PACIFIC

Advertiser.

ESTABLISHED JULY 2, 1884.

VOL. XXXV., NO. 6245.

HONOLULU, HAWAII TERRITORY, WEDNESDAY, AUGUST 13, 1902.

PRICE FIVE CENTS.

MORE OF
THE FIRE
CLAIM FEESNo Return Unless
Upon Court's
Order.CERTIFICATES
ARE IN JAPANTherefore Cannot Be Returned.
They Are Better Anyway
Than Warrants.

THE Fire Commission will not return the fees collected from claimants unless upon further order of court. While no meeting of the commissioners has been held to consider this question, the matter has been generally discussed and a plan of action decided upon.

It will be remembered that Judge Gear's decision in the mandamus case was in favor of the Commission, the court's declaration that the fees were illegally collected being a mere incidental matter, which was entirely apart from the refusal to issue the mandamus writ.

"The Commission has taken no action in regard to the matter of fees as yet," said F. W. Macfarlane, chairman of the court, yesterday. "But suppose we did advise in the papers that the fees collected would be returned, it would necessarily call for a proviso that the certificates, given in consideration of the fees, be also returned to the Commission. This I do not think would be satisfactory to the claimants who would not, in my opinion, be willing to exchange the certificates, even for the warrants. There is some question as to the legality of the warrants. Two of them I consider are good, but as the third provided for in an appropriation of \$500,000, is beyond the term of the legislature that passed the law, there is some doubt. With these points unsettled, the claimants are a trifle afraid of this third warrant."

"Then again in case the United States makes an appropriation of \$1,500,000 at the next session of Congress, as we expect, the warrants will have no value, even if the claimants force the government here to issue them. On the other hand, the United States will accept the certificates as the judgment of the fire court, and it is upon these payments would very likely be made. In that case the legality or illegality of the warrants and the act of the legislature will cut no figure. The United States Treasury Department would very likely make the certificates payable through one of the banks here, and that would settle the whole matter."

"Then again very few of the claimants, in case we offered to return the fees, would consent to give back the certificates of award. The largest amount, that paid by Kinney, Ballou & McClanahan for the Japanese claimants, was not paid under protest, and from what I hear, the certificates are by this time well on their way to Japan. If we had called together the six thousand claimants, if that were possible, at the time the appropriation had been exhausted, and asked them if they were willing to have the work of the Commission stop, or pay twenty-five, fifty cents, one dollar or four dollars apiece, according to the amount of their claims, not one but would have preferred to have the work continue."

"The Commission has been as economical as it was possible to be, and not one cent was expended except where absolutely necessary. In reality we are not \$5,000 short, but only half that amount, as about \$2,500 still remains in the fund, which was especially appropriated for witness fees, etc., and could not therefore be used for running expenses. This amount will be turned back into the treasury."

"As far as the fees are concerned, if they are returned it will be to the claimants who have paid them. I do not see how the money could be turned over to Mr. Riggs nor can I understand how he has the power to charge fees, and the commission had not. The money so collected in fees amounting to \$5,075 is on deposit in the Bank of Hawaii. It has not been returned to the merchants who advanced the money to the Commission, and nothing will be done while the matter remains unsettled in the courts. It was such a small amount that we did not think it necessary to call upon the legislature to repay it. I do not believe there will be any further trouble in regard to the fees as far as the clerk is concerned. If the fees were illegal, they were certainly as much so for the clerk as for the Commission."

Attorney Peters who appeared in the original mandamus suit against the Commission stated yesterday that he intended to bring no further action for the present at least. It seems to be the opinion of attorneys that the matter now be allowed to rest until Congress meets again. If the contest should be carried further, and the act of the legislature declared void and invalid, the claimants would be shut off entirely from recovery and this possible outcome does not appeal strongly to them. Even though the act be declared unconstitutional, it is not thought that the status of the claims would be effected as far as the United States is concerned, for the records of the Fire Commission would no doubt be accepted as final by the national government if an appropriation is made.

A Missionary Half a Century.

The Reverend Father Leonore celebrated his eightieth birthday yesterday at the Catholic Mission. The good father has been a missionary in these islands for nearly half a century, or forty-eight years to be exact. For twenty-eight years he was located at Wailuku, coming to Honolulu after that time.

Rapid Transit Extension.

The finishing touches are being put on the Alexander street extension of the Rapid Transit Co., and by Saturday cars will probably be running from Oahu College down Alexander to Berea and to McCully street. Everything has been completed excepting the stringing of wires and this work will be done immediately.

CAN RECOVER TAX
PAID ON BEQUESTS

Collector Chamberlain Will Refund Tax on Money Left to Charity.

Roy H. Chamberlain, Collector of Internal Revenue, is ready to refund any tax paid in Hawaii upon bequests for the use of religious, charitable or educational institutions, if proper application is made to him. He has received a letter from the Acting Commissioner in which the method of obtaining this refund is outlined. The rules laid down are as follows:

The claims shall be made upon the usual refunding blank (Form 46) issued by the Internal Revenue Office and to be obtained from collectors of internal revenue.

In cases where estates have not been closed, the claims should be made by executors or administrators.

Where estates have been closed and the administrators or executors discharged, the claim should be made by an officer of the corporation, association or society upon whose legacy or legacies the tax was paid, provided that the tax was actually deducted from the legacy or that the legacy was decreased by the payment of the tax.

If in any case where the estate has been closed the tax was paid from the corpus of the estate and the separate legacies were not reduced on account of the taxation, the claim should be made by the residuary legatees or parties who actually bore the burden of taxation.

In all cases the claim should be made under oath before an internal revenue officer, or an officer with a seal, and must be accompanied by satisfactory evidence as to the character of the corporation, association or society, and evidence as to whether the tax was paid from the corpus of the estate or from the individual legacies.

The claims should be filed with the collectors of the districts in which the taxes were paid, or with the deputy collector of the division of such district in which the claimant resides. The deputy collector will investigate the facts and furnish a certificate under oath, and the collector will enable him to certify to the truth of the claimant's statement, the validity of the claim, the amount of tax paid, and the date of payment.

After the collector has certified to the claims he will forward them to the office of the Commissioner of Internal Revenue, who will cause them to be examined, and in all cases where he is satisfied that the amount claimed or any portion thereof was paid by the claimant as taxes on legacies for the use of a religious, literary, charitable or educational character, or for the encouragement of art, or legacies or bequests to societies for the prevention of cruelty to children, he will make the proper allowance thereon, first submitting cases where the amount involved exceeds \$250 to the Secretary of the Treasury for his consideration and advisement. After the allowance by the Commissioner of Internal Revenue the claim will be submitted to the Auditor for the Treasury Department for adjustment.

The Auditor will adjust the claims as claims for the refunding of taxes erroneously collected are now adjusted, and the warrants when drawn shall be transmitted to the Commissioner of Internal Revenue who will mail them to the collector for delivery.

ROBT. WILLIAMS, JR.,
Acting Commissioner.

Half-tone and line cuts made at the Gazette office. If you have a good photograph you may be sure of a good cut.

ADMIRAL MERRY LEAVES
FOR WASHINGTON TODAY

REAR ADMIRAL J. F. MERRY, U. S. N., RETIRED.

Says Work on Pearl Harbor Naval Station
Must Wait the Dredging
of the Bar.

"NO IMPROVEMENTS" can be made at Pearl Harbor until the dredging of the channel has been completed. Congress will not make an appropriation for the work until a ship can come across the bar," said Admiral J. F. Merry last evening.

"If the contract had been carried through as originally intended an appropriation for the remaining improvements might have been obtained at the short session of Congress to be held in November. This is impossible now in view of the failure of Clark & Henry to carry out their contract. They want to sub-let it to Cotton Bros. of this city, and I have recommended to Col. Heuer of the engineers who let the contract and to the Navy Department at Washington that this be permitted. If it is not done then the department will be under the necessity of advertising for bids, and there will be the same danger of letting the contract to some firm which is unable to do the work. Of course the present contract with Henry & Clark for dredging out the bar might be forfeited, but as I have said this would require much more time to finish the work. One extension was granted to the contractors in the time of beginning work, otherwise the contract should have been completed in October. The firm here, can, I think do the work, and open the bar sooner than would be accomplished by letting a new contract."

"This unfortunate delay in the work on the bar will of necessity cause further delay upon the improvements at Pearl Harbor, for nothing will be done there until the bar has been dredged out. No ship could get through, anyway, so further improvement at the naval station would be useless until this is done."

"The plans have all been made for the building of Pearl Harbor naval station. There will be warehouses, wharves, barracks, water lines, pumps, necessary buildings, and probably dry docks, but these will be a long time coming. I can't say how soon work will be commenced. It may be possible that the appropriation may be made by Congress at the short session, but this is not likely in view of the condition of the dredging contract. However the money may be obtained at the next session if not at this one, and then the work will commence at once. The title to the Pearl Harbor lands is now clear excepting as to the Honolulu Plantation Co. I do not know what action will be taken as to the compromise agreed upon here; the papers are now in Washington."

"As soon as the improvements contemplated are made the Oahu Railway and Land Co., will build a station at Pearl Harbor for the accommodation of the navy. This will connect the station direct with Honolulu."

"I have a good many friends in Hawaii," concluded Admiral Merry, "and I leave here with much regret. I would have liked to have entertained them all before I went, but I found that to be impossible. I expect to return to Honolulu at some distant day at least for a visit."

Admiral Merry leaves today on the Alameda and he will be given a big send off at the steamer. He will go direct to Washington where after a stay of about two weeks, he expects to take a vacation in his New England home.

Admiral Merry has been in the service of the United States in Hawaii for three years and three months, being in Honolulu continuously excepting for a trip to Guam and later to Samoa. When he first came to this city it was as a captain, and he raised the admiral's flag at the navy station but a few months ago.

During his stay as commandant in Honolulu, Admiral Merry has done much for the good of the Territory. All the work of the Navy Department in Honolulu has been under his supervision. The establishment of the station here and the construction of coal sheds, and extensive yards in Honolulu is the result of his untiring efforts. The later and more important work at Pearl Harbor has also been accomplished by him in the acquisition of the lands for the use of the navy, and he has turned over to his successor, Captain Whiting, everything in shipshape order.

DINNER TO THE ADMIRAL.

Admiral Merry was wine and dined last evening, and in the midst of dozens of his friends bade a social adieu to Honolulu, for he departs today in the steamship Alameda for San Francisco.

Captain C. F. Herriman, commander of the Alameda, gave an elaborate dinner aboard the steamship in honor of the Admiral, Miss Pauline Neumann and Mrs. H. W. Lake also being special guests. The dining salon was beautifully decorated, astors, miniature palms and other greenery transforming it into a conservatory. There was a course dinner during which many toasts were drunk for Admiral Merry, for the other guests of honor, Captain Herriman, Mr. Lake, and Col. Girard and daughters, for the army. A quintette club was present during the dinner and sang and played the Hawaiian melodies of which the Admiral has grown fond during his long residence here. Those present were Admiral Merry, Miss Pauline Neumann, Mr. and Mrs. H. W. Lake, Mrs. W. F. C. Hasson, Col. Girard, U. S. A., the Misses Girard, Miss Downing, Miss Davis, Miss Williams, Captain U. S. G. White, U. S. N., Mrs. White, Marna Widemann, George Rodiek, Mr. Klamp, Mr. Krouse.

After the dinner the guests were driven to the Hawaiian Hotel where a delightful dance in honor of Admiral Merry was given by Mr. and Mrs. Lake. The Walkiki lalal was used and Solomon's quintette played and sang the airs of Hawaii nei. A large number of guests were present besides those at the dinner and the enjoyment of dancing was continued until long after midnight. Among those there were Mr. and Mrs. C. C. Perkins, Mrs. J. S. McGrew, Mrs. Macfarlane, Miss Hamburger, Mr. and Mrs. Hays, Mrs. Marx, Miss Alice Gillet, Southard Hoffman, Ogden Hoffman, Mr. Hamburger, Samuel S. White, Mr. Lancaster, Mr. and Mrs. Bush, Lieut. Newton, U. S. A., Scott Seton.

HONOLULU JAPS
IN CALIFORNIAChinese Are Being Supplanted in
the Fruit Picking
Sections.

Santa Clara county, California, has been filling up in the past few weeks with Japanese from all parts of the state and quite a number came there recently from Honolulu. The Japanese are supplanting the Chinese during the present fruit picking season and various reasons are assigned for the change. The San Jose Mercury of July 26, gives the following reasons:

The Chinese have difficulty in recruiting their numbers, owing to the rigid enforcement of the exclusion act. The Mongolian population is practically at a standstill all over the State. On the other hand the Japanese are coming in large numbers on every steamer from Honolulu. Thousands of them were imported into the islands by the sugar planters previous to annexation and have since been finding their way to the mainland. There are those who declare that a census today would show almost as many Japanese in the State as Chinamen.

A grower put the situation in this manner yesterday: "The truth of the matter is that the Chinamen are now asking as much money a day as the white help and in plenty of cases much more. They are becoming very independent, owing to the demand for their labor in certain lines of business, and are only willing to go to work at the very highest price. The Japanese, on the contrary, or at least many of them, are newcomers, unacquainted with the country, and in order to get a foothold are willing to accept almost the same wages they received in Honolulu. Many fruit growers have been obliged to avail themselves of the service of this element because of the pressing demand for help in the apricot and peach orchards."

Funston Said He Was "A Lucky Dog"

A despatch from Prescott, Ariz., July 13, says: "General Funston made a speech while a visitor to Prescott a few days ago. The occasion was a banquet in his honor, given by Capt. G. G. Palmer, U.S.A., at Whipple Barracks. The toast of the evening, the honored guest, was extended by Dr. F. L. Schoenle, a nephew of the late Gen. A. V. Kautz. In his reference to the deeds of the doughty Kansan, Dr. Schoenle was laudatory in the extreme, his conclusion being 'Here's to the incarnation of American daring and unsurpassed courage; here's to the embodiment of Anglo-Saxon grit, of American enterprise and success. Here's to General Funston, who has bound the shore of Asia to the American continent as they have never been linked before. Here's to General Funston, I'll not say of Kansas, nor merely of the United States, but of the greater United States, our country and its colonies.' To all of which the guest simply responded: 'I don't feel like a hero; I don't look like a hero. I am simply a lucky dog.'"

SORRY
PLEA OF
MOSESSays He Told His
Hearers to
Lie.HOW TO DECEIVE
THE LOCAL PRESSAfter That He Wants Public to
Believe His Version of
His Speech.

MOSES NAKUINA had no idea a reporter was present at the Palama meeting where he tried to make himself solid with the anti-missionary Home Rulers and when he saw the Advertiser's report of his speech he went into a flurry of explanations and denials. Evidently he thought he needed to to hold his job. He had not, he said, called the missionaries "d—d fools;" if he had said anything that might have been construed that way, it was in his interpretation for Edgar Cayless. Then to clinch his reputation for veracity, this truthful Moses told the Bulletin this pious tale:

"During my speech last night I made reference to what the Advertiser always says about small crowds at the Home Rule meetings, and I advised the crowd that should anyone meet a reporter of that paper anywhere, it would be best to tell him there were only about eight at the meeting. This would make him feel better. To say there was a big crowd would make him feel very sore, and would also make it necessary for him to tell another lie."

"There were between five and six hundred people present at last night's meeting and very great enthusiasm was shown."

That is to say, Moses Nakuina admits that he advised his Home Rule friends to deliberately lie to the Advertiser and yet expects to have his own word pass muster.

In connection with the above Nakuina sends the following letter to this paper:

Editor Advertiser: In your issue of the 12th you gave me prominence in the third and fifth columns of the first page of your paper, and in fairness to me and to those with whom I am associated, I can assume (can I not?) that you will give to my reply equal prominence. I will occupy only a small portion of your valuable space, however, in so far as it is necessary to deal with statements pertaining to the missionaries with which you credited me.

First: Your quotation, that I said in the lowest voice I could repeat that the "missionaries were d—d fools," is not true. I never mentioned the missionary in my speech.

The next quotation, "He said it was all the missionary party," is not true, as the audience did all the answering of my questions in the negative, and no mention was made of the missionary party by either the speaker or the audience.

And lastly, you quoted me as saying that "they are the biggest damn fools out there, these missionaries." Again, this is not true, and I hereby repeat that I never uttered anything against the missionaries.

In conclusion, it needs hardly to be said that I did not profanely abuse the missionaries as stated in your headlines. I am a missionary myself, and I am proud to be engaged in the same sort of religious work which all true missionaries have ever done. My political beliefs are my own, and do not affect my relations with any religious body, and except as my reputation as a Christian gentleman is at stake, would not call for the above explanation.

Thanking you for the space occupied for the refutation of the attack against me, as well as against those with whom I am connected, I remain

Yours respectfully,
MOSES K. NAKUINA.
Honolulu, August 12, 1902.

Alexander Nicholas, a well-known Hawaiian, living on Punchbowl street near the Mormon church, who accompanied the Advertiser's reporter, said last evening:

"The account given in the Advertiser of Mr. Nakuina's speech was as correct as a translation could make it. As I recall his words he spoke of the missionaries as follows:

(Continued on Page 5.)